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8 Attorneys for Defendants
9 THE REGENTS OF THE UNIVERSITY OF CALIFORNIA
10 OFFICER BILLY BRASHEAR, OFFICER BRENDA FLORES
11 OFFICER JOSEPH MICELI, OFFICER JOHN BARRIENTOS
12 OFFICER DEVON KOCHIS, OFFICER RICHARD MCALLASTER

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT

15 KANEEZ ZAIDI, JUSTIN TRETBAR (a
16 minor), JORDAN TRETBAR (a minor),
17 KALEEM ZAIDI (a minor), KHALI ZAIDI (a
18 minor), JULIET ZAIDI, as Guardian Ad Litem
19 for minors,

20 Plaintiffs,

21 vs.

22 THE REGENTS OF THE UNIVERSITY OF
23 CALIFORNIA, OFFICER BILLY
24 BRASHEAR, OFFICER BRENDA FLORES,
25 OFFICER JOSEPH MICELI, OFFICER
26 JOHN BARRIENTOS, OFFICER DEVON
27 KOCHIS, OFFICER RICHARD
28 MCALLASTER,

Defendants.

CASE NO.: C 03-4828 SBA

DECLARATION OF STEVEN C. WOLAN
IN SUPPORT OF STIPULATION AND
ORDER TO CONTINUE DATE FOR
HEARING ON MOTION FOR SUMMARY
JUDGMENT

Complaint Filed: October 28, 2003
Trial Date: June 27, 2005

1 I, Steven C. Wolan, hereby declare as follows:

2 1. I am an attorney licensed to practice before this Court. I am one of the attorneys for
3 Defendants in the above-referenced matter. I have personal knowledge of the matters stated herein and
4 can competently testify to said matters if called upon as a witness.

5 2. The taking of the deposition of Plaintiff Kaneez Zaidi was delayed from September 2004,
6 when it was first noticed, until March 7 and 21, 2005. In September 2004, Hunter Pyle was the attorney
7 for Kaneez Zaidi and could not produce her for deposition, as he was not in communication with her.

8 3. On or about September 28, 2004, Mr. Pyle filed a Motion to Withdraw as Counsel for all
9 Plaintiffs.

10 4. Mr. Pyle's motion was heard on or about December 14, 2004, and the hearing was
11 continued until February 1, 2005. During December 2004 and January 2005, Defendants attempted to
12 obtain Plaintiff's deposition on numerous occasions without success. Ms. Zaidi was not in contact with
13 her attorney and Mr. Pyle's mother died in December 2004, thus he was also unavailable.

14 5. Mr. Pyle's Motion to Withdraw as Counsel for all the Plaintiffs was heard on February
15 15, 2005. At this hearing, the Court allowed Mr. Pyle to withdraw as counsel for Plaintiff Kaneez Zaidi,
16 but he remains as counsel for the minor children. The discovery cutoff date was extended and Plaintiff
17 Kaneez Zaidi agreed to be deposed on March 7, 2005, the first available date pursuant to everyone's
18 schedule. The deposition was completed on March 21, 2005 and deposition transcripts have not yet been
19 received.

20 6. Presently, the Motion for Summary Judgment is set for hearing on May 3, 2005. As such,
21 Defendants' Motion for Summary Judgment must be filed with the Court by March 28, 2005.
22 Defendants believe they have an excellent Motion for Summary Judgment, but they do not have the
23 deposition transcripts at this time, and will not have them for a few more weeks. Defendants hereby
24 request a continuance of the hearing of this motion for a period in late May 2005 pursuant to the Court's
25 calendar. Defendants also request that the filing dates for the motion, opposition and reply briefs also be
26 continued in accordance with the new hearing date.

1 7. I have contacted Hunter Pyle and Kaneez Zaidi and they have no opposition to this
2 request. I will supply the Court with their signed stipulations when I receive them. Ms. Zaidi is in
3 Southern California and does not have a fax machine.

4 I declare under penalty of perjury according to the laws of the United States of America that the
5 foregoing is true and correct. Executed this 24 day of March, 2005 at Oakland, California.

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7
8 By: 
9 STEVEN C. WOLAN
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